

DISTRICT COURT (FOURTH DISTRICT) [276]

MINUTE BOOKS, 1878-1896.

8 cubic feet (11 volumes) and 6 microfilm reels

DESCRIPTION: This series is made up of minute books which record the official acts and proceedings of court terms held in three different judicial districts while sitting in Ogden, Weber County, Utah. Cases include those from Weber County as well as from Box Elder, Cache, Rich, and Morgan counties. These records were created and maintained by the court clerk, who was required by statute to keep a record of proceedings (Compiled Laws of Utah, 1876, sections 1062 and 1065).

The minutes are a daily, handwritten record of documents filed and actions taken with regard to every matter brought before each session of the court, largely regarding documents submitted, appearances before the court, and orders issued. A typical case spans multiple dates. Minutes are not transcripts, but do include a brief description of the hearing, including the title of case, case number, names of attorneys, date of each development in the case, record of witnesses and evidence introduced, what pleadings, petitions, or motions were made and by whom, and summaries of injunctions, rules, orders, verdicts, and judgments. Administrative details and meeting logistics (such as the court site, officers present, the selection and dismissal of jurors, and scheduling and assigning cases) are noted. These minute books document the legal process and the administration of justice.

In August and December of 1878, territorial Governor George W. Emery issued proclamations fixing a term of the Third District Court in Ogden, the Weber County seat, each calendar year. Later proclamations authorized up to four terms. Weber County as well as Box Elder, Cache, Rich, and Morgan counties were moved from the Third District and made the Northern Division of the First District Court in 1880. The Northern Division then became the newly created Fourth District in 1892. Cases still pending at statehood were transferred to the district court of the appropriate county, mostly Weber.

According to federal and territorial statutes, the district court has jurisdiction in all matters not

prohibited by law. The majority of these cases are civil matters. Suits to recover money owed to plaintiffs are the predominant type of action. These proceedings arise out of failure to honor promissory notes or other contract terms and non-payment of rent, lease payments, and court-ordered judgments. Petitions for divorce are also common. Other routine legal actions include voluntary withdrawal or dissolution of corporations as well as petitions for a writ of habeas corpus (a court order requiring that a prisoner be brought before a judge to decide the legality of his detention or imprisonment). Criminal matters may involve larceny, trespass, burglary, robbery, assault, battery, rape, prostitution, sodomy, gambling, narcotics, riot, perjury, or murder. Unlawful cohabitation or polygamy cases were common in the 1880s.

The district court was restricted to adjudication of actions involving real property located within the judicial district, those in which the defendant resides within the judicial district, and those involving incidents occurring within the judicial district. The court's appellate jurisdiction extends to all cases arising in probate, justice's, or U.S. Commissioners court. Upon receipt of an appeal, the district court conducted a complete retrial of the case. Certified copies of pertinent court documents were provided to the district court while the inferior court retained the original documents in its case file.

ARRANGEMENT: The minutes are chronological by court dates. Separate volumes are arranged in alphabetical order. However, Volume H includes entries for two distinct time periods: The first half includes minutes for September 9, 1892, to December 31, 1892, while the second half covers October 8, 1894, through May 29, 1894.

RELATED RECORDS: Blotters provide the minutes in an abbreviated fashion. More detailed information may be found in case files, commitment records, and information and indictment records. Judgment books and civil case decisions record the outcome of the cases. Naturalization record books show further documentation of naturalizations. For appeals to the district court the lower court records should be checked, as should the Supreme Court for appeals from the district court. The records of the First (particularly Northern Division) and Third District Courts should also be checked for earlier materials. At statehood in January 1896, each county in the district began keeping minute books separately.

Specific series of interest include Series 1529, CASE FILES and Series 1629, CRIMINAL CASE FILES which detail information noted in the minutes. CIVIL AND CRIMINAL REGISTERS OF ACTION, Series 17825, and CRIMINAL REGISTERS OF ACTION, Series 17462, note actions taken in individual cases and the date on which they occurred; more detailed activities for that date can then be located in these minutes. Series 10035 are the MINUTE BOOKS of the First District Court, including the time period before the Northern Division was separated. The CACHE COUNTY MINUTE BOOK, Series 3588, records the proceedings of the District Court while sitting in Logan, Cache County, Utah, during the September 1894 and September 1895 terms. A NATURALIZATION INDEX, Series 13160, indexes naturalization proceedings noted in the minutes.

CUSTODY HISTORY: Throughout the territorial period, minute books were created and maintained by the clerk appointed by and serving at the pleasure of the judge of the district court. At statehood, the Weber County Clerk was constitutionally designated as ex-officio clerk of Second District Court in and for Weber County. The county/district court clerk maintained custody of the case files until their transfer to the Utah State Archives.

PROCESSING NOTE: The Utah Judicial Council has determined that minutes are permanent records. Microfilming and destruction of the original records was authorized by the court clerk (RDR dated 15 February 1963 and approved March 1963). Microfilming of the minute books for reference use was accomplished in October 2001. Archival processing of the minute books was completed in April 1999 by W. Glen Fairclough, Jr. and updated in 2002.

CONTAINER LIST

Reel	Box	Volume	Description
1	1	A	1878, December 9-1880, January 16; 3rd, 3rd District
1	1	A	1880, February 25-1884, February 16; 1st District
1	2	B	1885, May 4-1887, February 17; 1st District
2	3	C	1887, February 17-1888, November 30; 1st District
2	4	D	1888, December 1-1890, March 27; 1st District
3	5	E	1890, March 28-December 13; 1st District
4	6	F	1890, December 15-1891, November 19; 1st District
4	7	G	1891, November 19-1892, May 31; 1st District
4	7	G	1892, June 1-September 8; 4th District
5	8	H	1892, September 9-December 31; 4th District
5	9	I	1893, January 1-November 25; 4th District
6	10	J	1893, November 27-1894, October 8; 4th District
5	8	H	1894, October 8-1895, May 29; 4th District
6	11	K	1895, May 31-1896, January 4; 4th District